

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:19-cv-00155-FDW-DSC

BRANDON STINSON,

Plaintiff,

vs.

ANDREW W. SAUL,
Commissioner of Social Security
Administration,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Summary Judgment, (Doc. No. 11), Defendant's Motion for Summary Judgment, (Doc. No. 16), and the Memorandum and Recommendation ("M & R") of Magistrate Judge David S. Cayer. (Doc. No. 18). For the reasons set forth below, the Court ACCEPTS and ADOPTS the M & R, DENIES Plaintiff's Motion for Summary Judgment, and GRANTS Defendant's Motion for Summary Judgment. The Commissioner's decision is AFFIRMED.

The Federal Magistrate Act provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Canby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). "By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir.2005) (quoting Fed.R.Civ.P. 72 advisory committee's note). Here, the M & R was signed November 25, 2019 and instructed that written objections must be filed

within fourteen days of service. (Doc. No. 18, p. 9). The M & R further cautioned that “failure to file timely objections will also preclude the parties from raising such objections on appeal.” (Id.). No party filed any objection to the M & R, and the time for doing so has expired.

Accordingly, after a careful review of the record in this case, the Court finds that the Magistrate Judge's findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. Thus, the M & R is hereby ACCEPTED and ADOPTED, Plaintiff's Motion for Summary Judgment is hereby DENIED, and Defendant's Motion for Summary Judgment is hereby GRANTED. The Commissioner's decision is AFFIRMED.

IT IS SO ORDERED.

Signed: December 10, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

